

Memorandum



DATE: December 6, 2013

TO: Members of the Public Safety Committee

SUBJECT: Administrative (Police) Reports
I. A. D. Cases to be Presented to the Public Safety Committee on December 9, 2013

NEW CASE PRESENTATION:

Control #2013-361

Council District: 8
Involved Officers: (1) Black Male
(1) White Male
Suspect: (1) White Male

On October 14, 2013, at approximately 12:05 p.m., Officers #1 and #2 were working in full police uniforms and driving a marked police vehicle, when they responded to a Major Disturbance CIT Mental Illness call at 9452 Crimmson Court. The information on the call sheet stated a white male, 53, who has a history of mental illness and was off his medication, was acting violent and was in possession of a knife. The 9-1-1 caller was the suspect's mother who was also a witness to the incident. The witness further stated to the police dispatcher that the suspect told her that he wanted the police to shoot him and that the suspect was seated in a chair in the middle of the cul-de-sac in front of her residence. When Officers #1 and #2 arrived at the location, they drew their weapons and began walking toward the suspect giving him verbal commands to drop the knife. As the officers approached the suspect, the suspect stated, "You all are going to need more officers out here." The suspect then stood up and Officer #1 fired four rounds from his duty weapon, striking the suspect once in the torso. The suspect was transported to Baylor Hospital by Dallas Fire and Rescue in stable condition. A video recording of the incident was obtained from a neighbor who also witnessed the incident. No officers were injured during this incident

STATUS: Complete

FINDING: At the conclusion of the Internal Affairs investigation, Officers #1 and #2 were "Sustained" on for violating departmental policies and procedures. As a result of their actions, Officer #1 was terminated from the Department and Officer #2 received a fifteen (15) suspension.

Control #2013-387

Council District: 4
Involved Officers: (1) Black Male
(1) Black Female
Suspect: (1) Hispanic Male

On November 1, 2013, at approximately 11:40 p.m., Officers #1 and #2, in full police uniforms and driving marked police vehicles, responded to a major disturbance call from the dispatcher at 1524 E. Missouri Avenue regarding a male on the front porch. The witness had arrived home earlier and observed the suspect, who did not live at the location, sitting on her front porch. The witness was afraid to stop, so she continued past her residence and called 9-1-1 for police assistance. When Officers #1 and #2 arrived at the location, they encountered the suspect who was still sitting on the porch. Contact was also made with the witness who was the 9-1-1 caller. The witness informed the officers that she wanted the suspect to leave and requested that a Criminal Trespass Warning be given to the suspect. As Officer #1 went to her vehicle to retrieve the necessary paperwork, Officer #2 continued speaking with the suspect as a civilian, riding observation with Officer #2, stood by. For officer safety, Officer #1 checked the suspect for weapons. As Officer #1 and the suspect were talking, the suspect became aggressive and erratic. Officer #1 fearing for his safety and the safety of the civilian observer, attempted to place the suspect in handcuffs until the matter could be resolved. The suspect refused to cooperate and began physically resisting Officer #1's commands. At that point a struggle ensued and Officer #2 quickly came to Officer #1's aid. The struggle moved from the front porch and into the yard. During the struggle, Officer #1 attempted to retrieve his Taser in order to gain compliance from the suspect. The suspect managed to wrestle the Taser from Officer #1. Both officers disengaged and took several steps backwards as they retrieved their duty weapons. As the officers drew their weapons, they were giving the suspect loud verbal commands to drop the Taser. The suspect failed to obey the officers' commands, stood up, and aimed the Taser at Officers #1 and #2 while attempting to deploy a charge. Both officers observed the red light emitting from the Taser. Officer #1, fearing for his life, the life of Officer #2 and the civilian observer, discharged his weapon striking the suspect. An independent witness corroborated the facts of this incident. This witness stated that she heard a crackling sound as the suspect stepped towards the officers pointing the Taser in their direction. This witness also stated that she heard Officers #1 and #2 giving the suspect commands to drop the Taser. Dallas Fire and Rescue responded to the location and pronounced the suspect deceased at the scene. No officers were injured.

The suspect has a criminal history which shows arrests for drug possession and delivery, resisting arrest, and Assault on a Public Servant.

STATUS: Under Investigation

PREVIOUS CASE PRESENTATION:

Control #2013-046

Council District: 9
Involved Officers: (5) White Males
Suspect: (1) White Male

On February 8, 2013, at approximately 10:45 p.m., Officers #1, #2 and #3, assigned to the Central Patrol Crime Reduction Team, wearing full uniforms and driving marked police vehicles, received information regarding a murder suspect that wished to turn himself in to law enforcement. They further learned that he would be in the parking lot of the Big Lots at the intersection of Abrams Road and Skillman Street. When Officers #1, #2, and #3 marked out with the dispatcher to the location, Officers #4 and #5, who are also assigned to the Central Crime Reduction Team, notified the dispatcher that they would be covering the officers. When the officers arrived at the location, they observed the suspect's vehicle. The officers pulled into the parking lot near the area where the vehicle was parked. At that point the suspect began screaming loudly and pointed a shotgun out of the passenger window in the direction of the officers. Officers #1, #2, #3, #4 and #5 began giving loud verbal commands for the suspect to drop the weapon; however, the suspect ignored the officers' commands. Fearing for their lives, Officers #1, #2, #3, #4, and #5 fired rounds from their duty weapons. As the officers were unsure of the condition of the suspect, the Tactical Unit was called to the location. The Tactical Unit arrived at the scene, handled the situation as a barricaded person and determined that the suspect was deceased. No officers were injured during this incident.

UPDATE: The Internal Affairs Division investigation revealed the officers were justified in their use of deadly force.

STATUS: Complete

Case #CN2013-046 was presented at the March 25, 2013, Public Safety Committee Meeting.

Control #2013-351

Council District: 2
Involved Officers: (2) White Males
Suspect: (1) Black Male

On September 14, 2013, at approximately 1:49 a.m., Officers #1 and #2 were working in a plain clothes capacity and driving covert vehicles in the 2800 block of Oak Lawn Avenue in an area known for Burglary of Motor Vehicle offenses. Officer #1 was backed into a parking space on the east side of the Post Office located at 2825 Oak Lawn Avenue when he observed an unknown male acting suspicious. Officer #1 alerted Officer #2, by cell phone, that he thought the subject was about to burglarize a vehicle. After receiving this

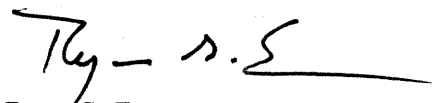
information, Officer #2 pulled his vehicle onto the parking lot. As Officer #2 was pulling onto the parking lot, Officer #1 observed movement to his left and turned to see what the movement was. It was at this time that Officer #2 realized that the suspect was committing a robbery of two individuals who were seated in a vehicle. Officer #1, who was still on the phone with Officer #2, stated, "It's a robbery." Officer #2 stopped his vehicle and realized that the robbery was taking place to his left between two vehicles. Officer #2 then observed a female running from the passenger side of the vehicle screaming for help. The suspect was standing outside the driver's side door of the vehicle holding a handgun in his right hand. The suspect began moving toward Officer #2 with the weapon pointed in the direction of the officer. As the suspect ran across the parking lot in the direction of Officer #2, Officer #2 exited his vehicle, drew his service weapon, identified himself as a police officer and then fired three rounds at the suspect. The suspect was struck once on the right side but continued to evade the officers on foot. The suspect was apprehended as he collapsed in the 2900 block of Shelby Avenue. The suspect was transported to Parkland Memorial Hospital by Dallas Fire and Rescue in critical condition. No officers were injured during this incident.

The suspect has been charged with Aggravated Assault with a Deadly Weapon and Aggravated Robbery.

UPDATE: The Internal Affairs Division investigation revealed the officer was justified in his use of deadly force.

STATUS: Complete

Case #CN2013-251 was presented at the October 28, 2013, Public Safety Committee Meeting.



Ryan S. Evans
Interim First Assistant City Manager

CC: Honorable Mayor and Members of the City Council
A.C. Gonzalez, Interim City Manager
Rosa A. Rios, City Secretary
Warren M. S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Daniel F. Solis, Administrative Judge
Jill A. Jordan, P.E., Assistant City Manager

Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim, Assistant City Manager
Theresa O'Donnell, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Librio, Public Information Officer
Elsa Cantu, Assistant to the City Manager